

**AGENDA**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**REGULAR QUARTERLY BOARD MEETING**  
**1917 SOUTH INTERSTATE 35**  
**AUSTIN, TX 78741**  
**AUGUST 16, 2012 – 10:30 AM**

**Call to Order.** (G. Kemble Bennett, Ph.D., P.E., Presiding Officer)

1. Roll Call and Welcome Visitors..... G. Kemble Bennett, Ph.D., P.E.
2. Public Comment..... G. Kemble Bennett, Ph.D., P.E.
3. Welcome new Board member ..... G. Kemble Bennett, Ph.D., P.E.
4. Consent Agenda ..... G. Kemble Bennett, Ph.D., P.E.

**(The following items may be acted upon under Consent Agenda and are marked with an asterisk\* on the Regular Quarterly Board Meeting Agenda)**

*(Motion)*

- May 23, 2012, Licensing Committee Minutes (**See agenda item # 6**)
- May 24, 2012, Policy Advisory Opinion Committee Minutes ( **See agenda item #7**)
- May 24, 2012, Enforcement Committee Minutes (**See agenda item #8**)
- May 24, 2012, General Issues Committee Minutes (**See agenda item #9**)
- May 24, 2012, Regular Quarterly Board Meeting Minutes (**See agenda item #5**)
- Administrative Reports and Outstanding Administrative Penalties and Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments (**See agenda item #20**)
- Licensing Applications. (**See agenda item #23**)

**Discuss and Possibly Approve Board Minutes:**

5. **\*(Consent Agenda)** Discuss and possibly approve minutes of the May 24, 2012, Regular Quarterly Board Meeting Minutes ..... G. Kemble Bennett, Ph.D., P.E.

**Discuss and Possibly Accept Committee Minutes:**

6. **\*(Consent Agenda)** May 23, 2012, Licensing Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.
7. **\*(Consent Agenda)** May 24, 2012, Policy Advisory Opinion Committee Minutes
8. **\*(Consent Agenda)** May 24, 2012, Enforcement Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.
9. **\*(Consent Agenda)** May 24, 2012, General Issues Committee Minutes ..... G. Kemble Bennett, Ph.D., P.E.

**Discuss and Possibly Act on the following agenda items (10-13):**

10. Board Members' Activity Reports ..... G. Kemble Bennett, Ph.D., P.E.  
*(Report)*
11. Emeritus Members' Activity Reports ..... G. Kemble Bennett, Ph.D., P.E.  
*(Report)*
12. Budget ..... Jeff Mutscher, Finance Director
  - FY12 3<sup>rd</sup> Quarter Budget Report  
*(Report)*
  - FY13 Budget Adoption  
*(Motion Required)*
13. Personnel Matters—this agenda item will be considered under executive session as authorized under Government Code §551.074 ..... G. Kemble Bennett, Ph.D., P.E.
  - Executive Director—Annual Review

**Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:**

14. Policy Advisory Opinion Committee ..... Bobby Ballí, P.E.
  - Engineering Advisory Opinion Request ..... Charles Pennington, P.E.
    - Discuss and possibly approve EAOR #31 – Designated Engineering Representative (DER) with response from Attorney General Opinion GA0955  
*(Motion Required)*
    - Update on EAOR # 33 – Direct Supervision ..... Charles Pennington, P.E.  
*(Update)*

- Discuss and possibly approve recommend changes to PAO 21 - Manufactured Buildings posted to comply with HB2284..... C.W. Clark, P.E.  
(*Motion Required*) Charles Pennington, P.E.
- 15. Legislative Committee..... James “Jim” Greer, P.E., Chair
  - Discuss, review, and possibly act on the Legislative Committee role and responsibilities  
(*Discussion/Possible Motion*)
  - Upcoming Legislation
- 16. Enforcement Committee ..... Gary Raba, D.Eng., P.E., Chair
  - Discuss and possibly act on the following rule adoption:  
(*Motion Required*)
    - Chapter 137: Compliance and Professionalism
      - §137.17 Continuing Education Program
    - Chapter 139: Enforcement
      - §139.13 Filing a Complaint
      - §139.35 Sanctions and Penalties
  - Discuss and possibly act on the following rule proposals:
    - §137.7 License Expiration and Renewal
    - §137.31 Seal Specifications
    - §137.37 Sealing Misconduct
    - §137.65 Action in Another Jurisdiction
  - Discuss, consider, and possibly act on decision resulting from SOAH case and Final Order for the following cases:  
(*Possible motion*)
    - D-31480; Raghnuath Dass, P.E.
    - B-33004; Bryan Hull
  - Staff Attorney Reports ..... Dewey Helmcamp, III JD  
(*No action required*)
- 17. General Issues Committee ..... Daniel O. Wong, Ph.D., P.E.,
  - Discuss and possibly act on the following rule adoption(s)  
(*Motion required*)
    - Chapter 131: Organization and Administration
      - § 131.53 – Minutes
- 18. Nominating Committee.....G. Kemble Bennett, Ph.D., P.E., Chair
  - Nomination of Officers for FY13  
(*Motion required*)
- 19. Licensing Committee .....James “Jim” Greer, P.E.
  - Personal Appearances from Licensing Applicants  
(*Motion required on all personal interviews*)
  - Discuss and possibly act on the following rule adoption(s):  
(*Motion required*)
    - Subchapter F: Administration
      - §131.81—Definitions
    - Chapter 133: Licensing
      - §133.21 – Applications for Standard License
      - §133.23 – Applications from Former Standard License Holders
      - §133.27 – Application for Temporary License for Engineers Currently Licensed Outside the United States.
      - §133.31—Educational Requirement for Applicants
      - §133.33—Proof of Educational Qualifications-Non-Accredited/Non-Approved Programs
      - §133.61 – Engineering Examinations required for a License to Practice as a Professional Engineer
      - §133.65—Examination on the Fundamentals of Engineering

**Discuss and Possibly Act on Reports or Items reported by the Executive Director:**

20. Executive Director's Report.....Lance Kinney, P.E.

(Report)

- Activity Report
- Continuation of Emeritus Members' Contract (*Motion Required*)
- Engineers & Architects update
- Windstorm Inspection Update
- NCEES Annual August 2012 Meeting-Motions
- ABET Visits
- Journey Toward Excellence
  - Strategic Plan
  - Strategic Implementation
  - Texas Award for Performance Excellence
  - Customer Service Report
- Sunset Review Update
- Outreach
  - Kudos

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:**

21. **\*[Consent Agenda]** Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments .....C.W. Clark, P.E.

- Central Heights Independent School District

22. Agreed Board Order..... Dewey Helmcamp, III J.D./  
(Motion) C.W. Clark, P.E.

1. Richard F. Keelan, P.E. - D-33067 (Reyna)

23. Consent Orders ..... C.W. Clark, P.E.  
(Motion)

SOAH Result

(None)

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

2. D-33565
3. D-32968
4. D-33328
5. D-33564
6. D-33566
7. D-32988
8. D-33568

Practice Violations

9. Rickey Lee Hamm – D-33477
10. Floyd Ottis Lee, P.E. – D-32943
11. Charles F. Stark, P.E. – D-33509
12. Christina L. Virgilio, P.E.—D-33363

Non-Practice Violations

13. Michael Hackebeil, P.E. – D-33615

Sanctions Against Non-License Holders

14. Timothy P. Cussen - B-33303
15. Larry Williams - B-33302

Firm Registrations/Sole Proprietorship Sanctions

16. H.N.G. Consultants – B-33301

**Discuss and Possibly Act on Licensing Applications Requiring Board Ruling:**

24. **\*[Consent Agenda]** Licensing Applications.....David Howell, P.E.

Vote or Reconfirm Votes Pursuant to Board Rule §133.87:

(Motion)

Approved for Licensure  
Not Approved for Licensure  
Waivers – Both  
Waivers – FE  
Waivers—PE  
Approved for Exams  
Exams not Approved  
Firms Approved

**Discuss and Possibly Act on Other Matters**

- 25. Issues from Board members for future meetings.....G. Kemble Bennett, Ph.D., P.E.
- 26. Future TBPE meeting dates .....G. Kemble Bennett, Ph.D., P.E.
- 27. Recognition of Board member Govind Nadkarni, P.E. ....G. Kemble Bennett, Ph.D., P.E.

**Adjourn.**

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't. Code Ann. Chapter 551.



Individuals needing special accommodation should contact the Texas Board of Professional Engineers at (512) 440-7723, in a timely manner.